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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/980,936	05/30/2002	Francesco Mascia	CENTRO-109	3800
530	7590	07/02/2004	EXAMINER	
LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK 600 SOUTH AVENUE WEST WESTFIELD, NJ 07090			MULLIS, JEFFREY C	
			ART UNIT	PAPER NUMBER
			1711	

DATE MAILED: 07/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/980,936	Applicant(s) MASCIA ET AL.	
	Examiner Jeffrey C. Mullis	Art Unit 1711	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) 11 and 12 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 8-10 is/are rejected.
- 7) ☒ Claim(s) 4-7, 13 and 14 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☒ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>8-1-03</u> . | 6) <input type="checkbox"/> Other: _____ |

Art Unit 1711

The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because:

Inventor Mascia has failed to sign the Oath and therefore a new oath or Declaration is required.

Applicant's election of Group I, claims 1-10, 13 and 14 in of 10-31-03 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Claims 4-7, 13 and 14 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim 4-7, 13 and 14. See MPEP § 608.01(n). Accordingly, the claims are not been further treated on the merits.

Applicants' specification contains a number of spelling errors. Applicants should correct such errors and review their specification. An example of such a spelling error is on page 10 line 11 which recites "diphenil".

Applicants' specification contains numerous references to the claims. This is improper since the purpose of the specification is to illuminate the claims, not the other way

Art Unit 1711

around. In any case, claims are generally amended during prosecution and the meaning of the reference to the claims in the specification will therefore change. Applicants are required therefore to remove all reference to the claims in the specification.

The claims contain spelling errors such as "cross-linking" in claim 8 etc. Correction is required.

Claims 1-3 and 8-10 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicants regard as the invention.

The term "precursors" renders the claims unclear since in order to determine the scope of the claims those skilled in the art would have to know any and all possible materials that could be used to produce the desired materials.

The identity of the "unsaturated compound" of the claims is unclear given that the unsaturated compounds are in fact in some cases recited to be materials without unsaturation such as ethylene-vinyl acetate copolymer or ethylene acrylic ester copolymer.

The term "known in the art" renders the claims unclear given that what is known in the art changes with time.

The following is a quotation of the appropriate paragraphs

of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --
(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 3 and 8 are rejected under 35 U.S.C. § 102(b) as being anticipated by Berta (U.S. 4,948,840).

Berta at column 2 lines 10-21 discloses a process in which polypropylene and EPDM and polybutadiene (a material which can be said to be a precursor of polybutadiene based polyurethanes) is reacted with peroxide (i.e. grafting conditions). 20-50 parts of extender oil may be used at column 4 lines 40-46.

Claims 1, 3 and 8 are rejected under 35 U.S.C. § 102(b) as being anticipated by Mayumi et al. (EP 0947541).

Mayumi et al. disclose a composition containing a polypropylene "A", EPDM (component "C") and a component "B" which may be EVA which is dynamically vulcanized (i.e. subject to grafting conditions). Note the Abstract and Table 7.

Claims 1-3 and 8-10 are rejected under 35 U.S.C. § 102(b) as being anticipated by Koji et al. (JP 08020678, including the CAPLUS Abstract of said patent).

Koji et al. disclose a composition produced by reacting

Serial No. 09/980,936

-5-

Art Unit 1711

polypropylene/EPDM and an isocyanate modified hydroxy terminated polybutadiene in the presence of peroxide such as would result in grafting. Note the CAPLUS Abstract.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey Mullis whose telephone number is (571) 272-1075. The examiner can normally be reached on Monday-Friday from 9:30 to 6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Seidleck, can be reached on (571) 272-1078. The fax phone number for this Group is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (571) 272-0994.

J. Mullis:cdc

June 29, 2004

Jeffrey Mullis
Primary Examiner
Art Unit 1711

